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Director & State Health Officer

State of California—Health and Human Services Agency
California Department of Public Health



EDMUND G. BROWN, JR.
Governor

March 05, 2014

AFL 14-09

TO: Acute Psychiatric Hospitals
General Acute Care Hospitals
Special Hospitals

SUBJECT: New Administrative Penalties Regulations Effective April 1, 2014

AUTHORITY: California Code of Regulations, Title 22, Division 5, Chapter 1,
Article 10 and Chapter 2, Article 8

This All Facilities Letter (AFL) is being sent to notify all hospitals that the Office of Administrative Law has approved new regulations in Title 22 of the California Code of Regulations (CCR) relating to general acute care hospital, acute psychiatric hospital and special hospital administrative penalties. This regulation package clarifies Health and Safety Code (HSC) 1280.3, and supersedes and makes inoperative the requirements of HSC 1280.1.

Effective April 1, 2014, the newly adopted regulations allow for the issuance of administrative penalties by the California Department of Public Health for deficiencies that do not rise to the level of Immediate Jeopardy.

The regulations include the methodology for calculating administrative penalties that adjusts based on the scope and severity of the deficiency and other statutorily prescribed criteria. The regulations also include a separate methodology for calculating penalties for noncompliance with hospital fair pricing policy requirements.

The regulations contain provisions for small and rural hospitals to apply for an extended payment plan period and/or a reduction in the final penalty if necessary to ensure the provision of healthcare in the community.

For your convenience, the regulations in Title 22 CCR Sections 70951-70960 and 71701-71703 are attached.

Facilities are responsible for following all applicable laws. The California Department of Public Health's failure to expressly notify facilities of statutory or regulatory requirements does not relieve facilities of their responsibility for following all laws and regulations.

AFL 14-09
March 05, 2014
Page 2

Facilities should refer to the full text of all applicable sections of the Health and Safety Code and Title 22 of the California Code of Regulations.

If you have any questions, please contact your respective Licensing & Certification District Office.

Sincerely,

Original signed by Jean Iacino

Jean Iacino
Interim Deputy Director
Center for Health Care Quality

Attachment